

***IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK***

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MARK PETERSON,

Docket No.:

Plaintiff,

-against-

BIG LOTS STORES, INC.,

Defendant.  
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**NOTICE OF REMOVAL**

**AND NOW** comes defendant BIG LOTS STORES, INC., by and through its attorneys, MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP, and respectfully aver as follows:

1. Defendant BIG LOTS STORES, INC. is a corporation organized under the laws of the State of Ohio with its principal place of business located in the State of Ohio.
2. The plaintiff has commenced a civil action against the defendant in the Supreme Court of the State of New York, County of Suffolk under Index No.: 601694/2017. The Summons and Complaint, being the original process of this case, were first received by the defendant on February 24, 2017. Attached hereto as ***Exhibit "A"*** is a true and correct copy of the plaintiff's Complaint. Attached hereto and marked as ***Exhibit "B"*** is a true and correct copy of the defendant's Answer.
3. It is alleged in the Complaint that plaintiff is a resident of the nation of New York.
4. In the Complaint, the plaintiff has demanded damages in a sum that exceeds all jurisdictional limits of all lower New York State Courts. Subsequently, plaintiff served a Notice pursuant to CPLR 3017 setting forth an *ad damnum* in excess of \$75,000.00. ***Exhibit "C" at p. 3.*** This document was received by the undersigned on April 6, 2016 and was the first indication to defendant that the amount in controversy in this action exceeded \$75,000.00.

5. Diversity of citizenship exists between the plaintiff, a New York domiciliary, and the defendant, an Ohio domiciliary. Further, diversity of citizenship existed at the time the action sought to be removed was commenced and continues to the time of the filing of this Notice, such that defendants are entitled to removal pursuant to 28 U.S.C. Section 1441.

**WHEREFORE**, defendants respectfully request that the above-captioned matter, now pending in the Supreme Court of the State of New York, County of Erie, be removed therefrom to this Honorable Court.

Date: Hicksville, New York  
April 28, 2017



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